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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 SWIRE PACIFIC HOLDINGS, INC.,

9 Plaintiff,

10 v.

11 JAMES JONES, and JEFFREY R. CAFFEE
12 LEGAL, PLLC, d/b/a THE LAW OFFICES
13 OF JEFFREY R. CAFFEE,

14 Defendants.

Case No. C19-1329-RSM

ORDER DENYING MOTION FOR
TEMPORARY RESTRAINING ORDER

15 This matter comes before the Court on Plaintiff's Motion for Temporary Restraining
16 Order ("TRO"), Dkt #2. The Court has reviewed the briefing from the parties and the entire
17 record.
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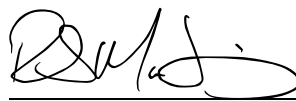
19 Typically, in order to succeed on a motion for temporary restraining order, the moving
20 party must show: (1) a likelihood of success on the merits; (2) a likelihood of irreparable harm
21 to the moving party in the absence of preliminary relief; (3) that a balance of equities tips in the
22 favor of the moving party; and (4) that an injunction is in the public interest. *Winter v. Natural*
23 *Res. Def. Council, Inc.*, 555 U.S. 7, 20, 129 S. Ct. 365, 172 L. Ed. 2d 249 (2008). The Ninth
24 Circuit employs a "sliding scale" approach, according to which these elements are balanced,
25 "so that a stronger showing of one element may offset a weaker showing of another." *Alliance*
26 *for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011). However, the moving
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1 party must still make at least some showing that there is a likelihood of irreparable injury and
2 that the injunction is in the public interest. *Id.* at 1135.

3 The Court has reviewed Plaintiff's Motion and finds it has failed to demonstrate a
4 likelihood of irreparable harm to Plaintiff in the absence of preliminary relief. The only cited
5 evidence is paragraph 16 of the Verified Complaint, which states simply: "[t]he disbursement
6 of the Disputed Funds by the Law Firm without immediate relief from this Court puts the
7 Disputed Funds at imminent risk of being placed beyond the Court's ERISA jurisdiction." Dkt.
8 #1 at ¶ 16. This is entirely conclusory. Plaintiff has presented no evidence that the funds will
9 be disbursed. Even if disbursement placed the funds outside the Court's jurisdiction, Plaintiff
10 does not explain how this would irreparably harm Plaintiff, which could presumably still
11 pursue a claim for recovery of the funds against these Defendants. Plaintiff's failure to
12 demonstrate irreparable harm is fatal to its Motion, regardless of all other legal issues presented
13 by the parties.
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16 Having considered Plaintiff's Motion and the remainder of the record, the Court hereby
17 finds and ORDERS that Plaintiff's Motion for Temporary Restraining Order, Dkt. #7, is
18 DENIED.
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20 DATED this 27 day of August, 2019.

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24 RICARDO S. MARTINEZ
25 CHIEF UNITED STATES DISTRICT JUDGE
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